



December 18, 2013

Thomas E. Perez
Secretary of Labor
U.S. Department of Labor
Frances Perkins Building,
200 Constitution Ave., NW
Washington, DC 20210

RE: Docket No. OSHA-2013-0023

Sent via the federal eRulemaking portal <http://www.regulations.gov>

Dear Mr. Secretary,

The late Senator George McGovern wrote in a 1992 Wall Street Journal column, "... I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities."

The US Department of Labor proposal to change OSHA workplace reporting of injury and illness data to be electronically posted on a special web site has the potential of "choking off" opportunities. As Commissioner of Labor, duly elected by the citizens of Oklahoma, I have a lawful obligation to speak out for the economic well-being as well as safety concerns of the citizens of this great state. I strongly oppose this rule change as the proposal seems to be more about politics rather than public safety policy.

The experimental idea of OSHA using "naming and shaming" as a means to improve safety is unwise. The unintended consequences are likely to do more harm than good. It's the functional equivalent of painting a scarlet letter on individual businesses while creating a pick list for trial lawyers nationwide.

The dearth of private sector appointees in the Obama administration is evident in this proposal. There is no evidence that the bureaucrats who promulgated such rules have ever started, owned, or operated a business as did McGovern *after* he left the Senate.

This proposed regulation is a federal government overreach that will invite distortion of a company's safety record and encourage unions, trial lawyers, and other adversaries of the marketplace to use the data against the backbone of the economy, American businesses. The proposed use of data does not tell the full story about the circumstances surrounding an injury and efforts to prevent such injury by the business owner.

As President Ronald Reagan once joked, "I'm from the government, I'm here to help." This dubious proposal and its' hostility towards the private sector is no joke. I call for a stand-down on this proposal.

Handwritten signature of Mark Costello in blue ink.

Mark Costello
Commissioner of Labor